

## LAKE COUNTY CODE, CHAPTER 13

### Lake County Uniform Abatement of Public Nuisances Code

(Amended 11.27.2012; Effective Date January 3, 2013)

#### ARTICLE I. - ABATEMENT OF NUISANCES

##### Sec. 13-1. - General Provisions.

1.1 *Citation.* This chapter shall be known as, and may be cited as the "Lake County Uniform Abatement of Public Nuisances Code."

1.2 *Application.* This chapter is enacted pursuant to Government Code Section 25845 and complies with Health and Safety Code Section 17980 and applies to all real and personal property in the unincorporated areas of the County of Lake.

1.3 *Nonexclusive Remedies.* The remedies provided in this chapter are cumulative and shall be in addition to any other remedies provided by law. Nothing in this chapter shall prevent the County of Lake from commencing any other available criminal or civil proceeding to abate a nuisance under the applicable provisions of local, state, and/or federal law.

##### Sec. 13-2. - Declaration; Purposes and Scope.

2.1 *Findings.* The Board of Supervisors finds it is necessary to the public interest to promote the health, safety and welfare of the residents of the County of Lake by providing procedures for the abatement of nuisances, which abatement procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law.

2.2 *Purpose.* This Code is intended to provide a uniform and comprehensive method for the identification and abatement of public nuisances within the unincorporated areas of the County of Lake and to impose any costs of such abatement against the owners of the offending properties. Any nuisance, as defined herein, existing on any parcel of land in the unincorporated area in the County of Lake, may be abated as herein provided.

##### Sec. 13-3. - Definitions.

3.1 For the purposes of this article, the following words and phrases shall have the following meanings:

- a. *Beneficial owner* shall mean any mortgagee of record; a beneficiary under a recorded deed of trust; the owner or holder of any lease of record; provided, however, that the United States, the State of California, and the County of Lake shall not be deemed to be beneficial owners by virtue of any lien for unpaid taxes.

- b. *Board* shall mean the Board of Supervisors of the County of Lake.
- c. *Enforcement Official* shall mean any officer or department head of the County of Lake charged with the duty of enforcing regulations of the County of Lake or Laws of the State of California.
- d. *Graffiti* shall mean the unauthorized writing, defacing, marring, marking, inscribing, scratching, painting, or affixing of markings on public or private buildings or structures, including, but not limited to, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, curbs, traffic control devices, signs, and utility boxes, except as otherwise expressly permitted by this Code.
- e. *Nuisance* shall mean:
  - (1) Any condition declared by any statute of the State of California or code of the County of Lake to be a nuisance; or
  - (2) Any public nuisance known at common law or equity; or
  - (3) Any attractive nuisance which may prove dangerous or detrimental to infants; or
  - (4) Any condition dangerous to human life, unsafe, or detrimental to the public health or safety; or
  - (5) Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this Chapter or Chapters 5, 9, 17, 21, 23, 29, or 30 of this Code; or
  - (6) Violates any condition imposed by a prior discretionary land use approval pursuant to Chapter 21 of the Lake County Code; or
  - (7) The existence of garbage, rubbish, refuse, or waste matter, and weeds upon the premises contrary to the provisions of Chapters 9 and 21 of the Lake County Code and/or which creates a fire hazard; or
  - (8) Any items causing an unsightly appearance which is visible from the scenic corridor or public right of way or sites of neighboring properties or which provides harborage for rats and/or other vermin, or creates other potential health hazard or public nuisance.
  - (9) The existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons.
  - (10) The existence of hazardous substances and waste unlawfully released, discharged, or deposited upon any premises or onto any County property.

(11) The existence of any stagnant water or water contained in hazardous and/or unmaintained swimming or other pools which obscure required visibility and proper filtering.

(12) Causing, maintaining, or permitting graffiti (as that term is defined herein).

(13) Abandoned, dismantled, wrecked, or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof.

(14) Any land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, excavations, fill, or other alteration interferes with the established drainage pattern over a property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage problems so as to be injurious to public health, safety, welfare, usability, or appearance to neighboring properties.

(15) Any property with dirty water, sewage, or any other substance, including but not limited to, urine, or other bodily matter, discolored water, contents of septic tanks, cesspools or privy vaults, which flows onto public or private property.

- f. *Owner* shall mean the owner of record of the premises affected.
- g. *Occupier* shall mean the person occupying or otherwise in real or apparent charge and control of the premises affected.
- h. *Responsible party* shall mean the property owner, occupier, and/or beneficial owner as defined in this section.
- i. *Repeat offender* shall mean a property owner, occupier, or beneficial owner who is responsible for more than one, substantially similar code violation in a twelve-month period, as measured from the reinspection date of the previous violation.
- j. *Rubbish* shall mean waste matter, litter, trash, refuse, debris, dirt, dry grass, dead trees, tin cans, paper, and waste material of every kind, or other unsanitary substance, object or condition which is or when dry may become, a fire hazard, or which is or may become a menace to health, safety or welfare, or which is offensive to the senses.
- k. *Weeds* shall mean any of the following: weeds which when mature bear seeds of a downy or wingy nature; any brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property; weeds which are otherwise noxious or dangerous; poison oak and poison ivy when the conditions are such as to constitute a menace to the

public health; dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

**Sec. 13-4. - Investigation.**

The Enforcement Official, upon receipt of information leading him/her to believe that a public nuisance exists upon private property in the unincorporated area of the County, shall make a reasonable investigation of the facts and, if possible, inspect the property to determine whether a public nuisance exists. Inspections may include photographing the conditions and/or obtaining samples or other physical evidence. If an owner, occupant, or agent refuses permission to enter or inspect, the Enforcement Official may seek an inspection warrant pursuant to the procedures provided in the California Code of Civil Procedure Sections 1822.50 through 1822.59. Notwithstanding the above, in cases of emergency the provisions of Section [13-9] of this article shall apply.

**Sec. 13-5 Reserved**

**Sec. 13-6. - Notice of Nuisance and Order to Abate.**

If upon making a reasonable determination that a nuisance exists as defined by Section 13-3 e. of this Chapter, the Enforcement Official shall cause a Notice of Nuisance and Order to Abate to be prepared, and shall serve such notice and order as provided in Section 13-6.2 herein.

6.1 *Contents.* The Notice of Nuisance and Order to Abate shall contain the following information:

- a. A heading, "Notice of Nuisance and Order to Abate," in letters of not less than three-fourths ( $\frac{3}{4}$ ) of an inch in height.
- b. The street address, legal description, or other description sufficient to identify the premises affected.
- c. A description of the condition causing the nuisance, including the code section(s) violated.
- d. The actions required to correct the violation(s). Where the Enforcement Official has determined that the condition causing the nuisance can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.
- e. The County department and Enforcement Official responsible for the enforcement action with contact information including County office location and telephone number.

- f. The notice shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within thirty (30) days from the date such notice is deemed served.
- g. Where the Enforcement Official has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or is unsafe, or is detrimental to the public health or safety, he may order that the building or structure affected be vacated, pending the correction or abatement of the conditions causing the nuisance.
- h. Instructions to the property owner describing procedures for scheduling a hearing before the Board of Supervisors for the purpose of presenting information as to why the property should not be considered a public nuisance.
- i. A statement that if the work is not completed within the number of days specified on the notice, or a hearing has not been requested in accordance with Section 13-6 h. of this Chapter, or a time extension has not been granted to complete the abatement, the county may abate the nuisance without further notification and the property owner will be responsible for all costs associated with the investigation and abatement of the nuisance(s). The costs of such abatement action may be made a special assessment against the premise; may be paid through a Code Enforcement Debt Reduction Agreement; or alternatively may be referred to a debt collection agency.
- j. A statement that if the property owner fails to request a hearing, all rights to appeal any action of the County to abate the nuisance are waived.
- k. A statement that the costs of such abatement shall become a charge against the premises unless paid through a Code Enforcement Debt Reduction Agreement, or alternatively referred to a debt collection agency, and those costs shall be made a special assessment against the premises. Said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes, and shall be subject to the same penalties, interest and to the same procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.

**6.2 Service of Notice of Nuisance and Order to Abate.**

- a. Such notice shall be deemed properly served if a copy thereof is either:
  - 1. Delivered to owner personally;

2. Sent by certified or registered mail addressed to every responsible party at the last known address with return receipt requested, and posted at the site; or
  3. Delivered in any other manner as prescribed by local law.
- b. If the certified or registered letter is returned showing the letter was not delivered, and the notice was not already posted at the site, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
  - c. Service of such notice in the foregoing manner upon the property owner's agent shall constitute service of notice upon the owner.
  - d. The failure of any person to receive any notice required under this chapter and/or the removal of any posted notice other than by the county shall not affect the validity of any proceedings taken under this chapter.

6.3 *Time Extensions.* When substantial progress in abating nuisance conditions described in a Notice of Nuisance and Order to Abate has been demonstrated by the property owner within the 30 day abatement period, with at least 50% of the conditions causing the nuisance(s) having been abated, the Enforcement Official may grant a time extension. Such time extension shall not exceed an additional 30 days, and shall only be granted if, after discussion with the property owner, the Enforcement Official is confident that the granting of a time extension will result in complete abatement of the nuisance(s) by the property owner.

## **Sec. 13-7. – Request for a Hearing and Procedures.**

7.1 A hearing before the Board of Supervisors regarding a Notice of Nuisance and Order to Abate may be requested by filing a written request for a hearing with the Lake County Community Development Department within 21 days of service of the Notice of Nuisance and Order to Abate. When a hearing is requested as provided for in the Notice of Nuisance and Order to Abate, the Board shall proceed to hear the testimony of the Enforcement Official, his/her assistants or deputies, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement, and other matters which the Board may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Enforcement Official, and other witnesses. The hearing may be continued from time to time.

7.2 The filing of such request for hearing shall stay the effectiveness of the Notice of Nuisance and Order to Abate until such time as the case has been decided by the Board of Supervisors.

7.3 Upon receipt of a request for hearing filed in accordance with Section 13-7.1, the Enforcement Official shall schedule a hearing before the Board of Supervisors. Notice of the hearing shall be sent by first class mail postage prepaid to the property owner and any other persons filing the request for hearing. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than ten (10) days from the date of mailing and posting such notice unless mutually agreed to by the property owner or responsible party and the Enforcement Official), the specific conditions or uses which constitute the public nuisance, and shall direct the owner(s) to appear and show cause why the specified condition or use should not be declared a public nuisance and abated.

7.4 Upon the conclusion of the hearing, the Board of Supervisors may terminate the abatement proceedings, or it may uphold the Notice of Nuisance and Order to Abate, prescribing the requirements of such abatement and prescribing the time for the completion of such abatement.

7.5 If a request for a hearing is not filed within the time specified in Section 13-7.1, above, the Enforcement Official may order the work to be performed on or after the 31<sup>st</sup> calendar day following the service of the Notice of Nuisance and Order to Abate. If a time extension has been granted in accordance with Section 13-6 of this Chapter, the Enforcement official shall not commence with abatement unless the property owner fails to complete the abatement within the time authorized.

#### **Sec. 13-8. - Failure of property owner to abate**

If the property owner or other responsible party fails to abate the nuisance within the time specified by the Enforcement Official, or the Board of Supervisors after a hearing, and is not granted a time extension, the Enforcement Official is authorized to secure, remove, demolish, raze or otherwise abate the nuisance at the expense of the owner(s).

#### **Sec. 13-9. - Summary Abatement; Emergency Conditions.**

9.1 The Enforcement Official, upon making a finding with concurrence by one member of the Board of Supervisors and County Counsel, that an immediate threat or danger exists to the health, safety, or welfare of the occupants of a particular property or to members of the public, may order a summary abatement of a public nuisance in accordance with Chapter 5, Article IX of the Lake County Code without the standard notification and hearing requirements set forth in this chapter.

9.2 Upon making such a finding, the Enforcement Official may require immediate action on the part of the property owner to eliminate the hazardous condition.

- a. The Enforcement Official shall make a reasonable attempt to notify the occupants and owners of the subject property of the dangers which require the immediate vacation, repair, clean up, or securing of the property or structures thereof. Said notice shall be either by telephone or by personal visit to the premises.

- b. If the imminently dangerous condition can be substantially relieved by the performance of minor repairs or other acts, the Enforcement Official may perform or direct the performance of such acts without prior consent of or notice to the owners or occupants of the subject property.
- c. If the Enforcement Official finds that an immediate threat to public health, safety, or welfare exists and that it is unhealthy or hazardous to delay abatement action, he/she may order county staff or contractors to abate the condition.
- d. The property owner shall be liable for all costs associated with this abatement, including administrative, labor, and materials, and other costs.

## **ARTICLE II. - REMOVAL OF RUBBISH/WEEDS**

### **Sec. 13-10. - Prohibited Conduct.**

10.1 It is unlawful for any person owning, occupying, renting, managing, or controlling any real property in the County to cause or permit any weeds, or to place, cause or permit any rubbish to be or remain on any real property in the County or on portions of streets adjoining such real property to the center line of such streets.

### **Sec. 13-11. - Trash Disposal.**

11.1 Trash disposal must be made in an appropriate manner, i.e. through a trash pick-up service, self-haul to an approved disposal site, or properly composting in a back yard compost pile.

### **Sec. 13-12. - Duty to Abate.**

12.1 The owner and any person or entity in possession of real property constituting a nuisance pursuant to this article shall be jointly and severally liable for the maintenance thereof and has the duty to immediately abate the nuisance.

12.2 As a condition of compliance in a Notice of Nuisance and Order to Abate Nuisance, an Enforcement Official may require the property owner to provide a maintenance plan to address the prevention of further nuisance conditions resulting from the accumulation of rubbish on the property. Such a maintenance plan shall require evidence that said property owner will implement a regular practice for trash disposal on said property. Evidence that said property will be the subject of regular garbage service shall be deemed a sufficient maintenance plan.



12.3 In the case of a repeat offender as defined in Section 13-3 of this chapter, the Enforcement Official may impose as a condition of a Notice of Nuisance and Order to Abate a requirement that the property owner provide proof of regular garbage service for the subject property.

**Sec. 13-13. - Procedures, Remedies and Penalties.**

13.1 The procedures, remedies and penalties applicable to a violation of this article and for recovery of costs related to enforcement are as set forth herein this chapter.

**ARTICLE III. - DISCONTINUANCE OF LAND USE APPROVALS**

**Sec. 13-14. - Purpose.**

15.1 Notwithstanding any other provisions of this Code to the contrary, the Director of Community Development may require the modification, or discontinuance of any land use if it is found that the land use constitutes a public nuisance because it, as operated or maintained:

- a. Jeopardizes or adversely affects the public health, peace or safety of persons residing or working on the premises or in the surrounding area.
- b. Has resulted in repeated nuisance activities, including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passers by, loitering, theft, assaults, acts of vandalism, excessive littering, illegal parking, or police detentions and arrests.
- c. Adversely impacts nearby uses.
- d. Violates any provision of this chapter, or any other local, state, or federal law or regulation.

**Sec. 13-15. - Residential Uses.**

15.1 This article shall apply to all single-family and multifamily residential uses, including residential hotels as defined in California Health & Safety Code Section 50519. This article shall not apply to hotels or motels that are not residential hotels. Nothing in this article is intended to supersede or abrogate the rights of tenants provided by state law or other provisions of this Code.

**Sec. 13-16. - Violations.**

16.1 It shall be unlawful to violate or fail to comply with any requirement or condition imposed by the Enforcement Official, the Planning Commission, or the Board of Supervisors pursuant to this article. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter.

**Sec. 13-17. - Procedures, Remedies and Penalties.**

17.1 The procedures, remedies and penalties applicable to a violation of this article and for recovery of costs related to enforcement are as set forth herein this chapter.

**Sec. 13-18. - Order to Vacate.**

18.1 The Community Development Department shall issue an order to vacate the property where the land use or discretionary zoning approval has been discontinued by the property owner or his/her agent and an unauthorized use has commenced or said approval has been revoked. The order to vacate shall be sent to the property owner, lessees, occupants, and to all persons shown in the title report as having an ownership interest.

**Sec. 13-19. - Relocation Assistance.**

19.1 Whenever the land use or discretionary zoning approval that is revoked is a residential rental use and is found unsafe to occupy, the costs and expenses of relocation of any tenant from that property shall be the responsibility of the property owner to the extent authorized by law.

**ARTICLE IV. - GRAFFITI ABATEMENT**

**Sec. 13-20. - Declaration and Purpose.**

20.1 The Board of Supervisors declares that graffiti is detrimental to the health, safety and welfare of the public in that it leads to blight; encourages gang activity; is detrimental to property values, business opportunities and the enjoyment of life; is inconsistent with the County's property maintenance goals; and results in additional graffiti and in other properties becoming the target of graffiti unless it is quickly removed from public and private property. Graffiti therefore constitutes a public nuisance and must be abated as quickly as possible to avoid detrimental impacts on the County and its residents, and to prevent further spread of graffiti. This article provides a procedure for the prompt removal of said graffiti.

**Sec. 13-21. - Duty of the Property Owner.**

21.1 *Duty of the Property Owner.* Every owner shall maintain property in accordance with the provisions of this article and correct all violations of the standards listed in this

article, and is liable for violations for this article regardless of any contract or agreement with any third party concerning the property.

## **Sec. 13-22. - Prohibited Acts.**

### *22.1 Graffiti Prohibited.*

- (a) It is a violation of this article for any person to apply graffiti to any public or privately owned structure or property located within the unincorporated areas of the County of Lake.
- (b) It is a violation of this article for any owner of real property located in the unincorporated areas of the County of Lake, and for any tenant, occupant, or user of any property therein, to maintain, permit, or allow graffiti to exist thereon, for a period in excess of ten (10) calendar days following service by the County of a Notice to Remove Graffiti as described in Section [13-23.3] herein. Each day the graffiti is maintained beyond the initial ten-day period hereby constitutes a separate violation and is subject to the penalties set forth in Article VII of this chapter.

## **Sec. 13-23. - Procedures for Removal.**

*23.1 Required Graffiti Removal.* The owner or occupant of any property in the unincorporated areas of the County shall remove any graffiti within ten (10) days of the graffiti's appearance.

*23.2 Standards for Graffiti Removal.* Graffiti shall be removed or covered completely in a manner that renders it inconspicuous to the satisfaction of the Enforcement Official. When graffiti is painted out, the color used to paint out the graffiti shall match the original color of the surface, or the surface shall be completely repainted with a new color which is consistent with existing colors and architecture. The removal shall not leave shadows and shall not follow the pattern of the graffiti such that letters or similar shapes remain apparent on the surface after graffiti markings have been removed. Unless otherwise approved by the Enforcement Official, the removal method shall be such that the graffiti is removed in an area which constitutes a box, circle, or other approved geometric shape to reduce the potential for shadows. If the area is heavily covered with graffiti, the entire surface is to be repainted.

*23.3 Notice to Remove Graffiti.* Whenever the Enforcement Official determines that graffiti exists on property which is visible to any member of the public, he/she may serve a written notice in accordance with Section [13-23.4] of this chapter to the property owner to abate such graffiti.

*23.4 Contents of Notice.* Said notice shall inform the property owner of the following:

- a. A statement that graffiti exists and that maintenance thereof constitutes a public nuisance.
- b. A statement that the owner shall have ten (10) days after the date the notice is served to remove the graffiti.
- c. A statement describing the standards for removal of the graffiti which must be employed as described in Section [13-23.2] herein.
- d. A statement that if the property owner fails to either remove the graffiti or file a timely appeal, the County will initiate proceedings in accordance with this article to enter upon the owner's property and abate the graffiti at the owner's expense. Such abatement may be performed by County employees and/or independent contractors.
- e. A statement advising the property owner of the right to appeal to the Board of Supervisors by filing written notice of the Appeal with the Clerk of the Lake County Board of Supervisors within ten (10) calendar days from the date of the Notice.
- f. A statement that the failure to timely file a notice of appeal shall constitute a waiver of any hearing or appeal and implies consent to abatement by the County, allowing the County or private contractors to enter the property to abate, cover or remove the graffiti, the property owners' consent to pay all reasonable costs for such removal, which shall be confirmed in accordance with Article IV of Chapter 13 of the Lake County Code.

**23.4 Service of Notice.** Notice to abate graffiti shall be served in the same manner as provided for in Section 13-6.2 of this chapter.

**23.5 Receipt of Notice.** The failure of the Enforcement Official to serve any person with a notice to abate graffiti, or any other notices required herein to be served, shall not invalidate any proceedings hereunder as to any other persons duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this article. The failure of any person served pursuant to this article to actually receive, read, and/or review any such notices and/or orders shall not affect the validity of any proceedings taken under this article.

## **Sec. 13-24. - Appeal.**

**24.1** Any timely appeal of an abatement notice issued under this article shall be heard by the Board within fifteen (15) days of filing the appeal, or as soon thereafter as the matter may be scheduled for hearing. The Clerk of the Board shall provide the appellant with

written notice of the time and place of the hearing at least five (5) calendar days in advance by personal service or regular first class mail.

24.2 Following the hearing, the Board shall determine whether the graffiti is a public nuisance and the abatement order should be upheld. The appellant shall be notified of the Board's decision in writing.

**Sec. 13-25. - Failure to Abate by Property Owner.**

25.1 If after notice, the graffiti has not been abated 25.1 and no appeal has been filed within the allotted ten-day period, the Director may arrange for County employees, private contractors or another County program, to enter upon the property and abate, cover or remove such graffiti. The property owner shall pay all reasonable costs for the removal of such graffiti. In addition to all reasonable costs associated with said removal, the property owner shall also pay associated administrative expenses, which shall not exceed two hundred dollars (\$200.00).

**Sec. 13-26. - Assessment of Costs.**

26.1 Costs of abatement may be recovered as provided in Article VI of this chapter.

**ARTICLE V. - REMOVAL OF VEHICLES**

**Sec. 13-27. - Article Not Exclusive.**

27.1 This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the unincorporated area of the County. It shall supplement and be in addition to the other regulatory codes, and statutes heretofore or hereafter enacted by the County, and State, or any other legal entity or agency having jurisdiction.

**Sec. 13-28. - Definitions.**

28.1 As used in this article, the following words and 28.1 phrases shall have the following meanings:

- a. The term "vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
- b. The term "highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- c. The term "public property" does not include "highway."

- d. The term "owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- e. The term "owner of the vehicle" means the last registered owner and legal owner of record.
- f. The term "public nuisance vehicle" is any vehicle that is abandoned, wrecked, dismantled, or any inoperative parts thereof; that is on public or private property, not including highways; and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety, and general welfare.
- g. The term "abandoned vehicle" means any vehicle that is considered to be "abandoned" if it is left on public property, or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interest in it may be reasonably concluded.
- h. The term "wrecked vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway.
- i. The term "dismantled vehicle" refers to any vehicle that is partially or wholly disassembled.
- j. The term "inoperable vehicle" refers to any motor vehicle that cannot be moved under its own power due to a lack of motor, transmission, or wheels and incapable of being towed.
- k. The term "vehicle of historic value" refers to the following:
  - (1) A motor vehicle with an engine of six (6) or more cylinders manufactured prior to 1965.
  - (2) A motor vehicle manufactured in the year 1922 or prior thereto.
  - (3) A vehicle which was manufactured after 1922, is at least twenty-five (25) years old, and is of historic interest.

**Sec. 13-29. - Exceptions.**

29.1 This article shall not apply to:

- a. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

- b. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
- c. A vehicle, or parts thereof, located behind a solid fence six (6) feet in height where it is not visible from the street or other public or private property.

29.2 Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of the Division 11 of the Vehicle Code and this article.

**Sec. 13-30. - Administration and Enforcement.**

30.1 Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the Director of Community Development or his/her designated employee.

**Sec. 13-31. - Removal of Abandoned Vehicles Pursuant to Vehicle Code Section 22660.**

31.1 Pursuant to authority under Government Code Section 22660, if a designated employee has reasonable grounds to believe that a vehicle or part has been abandoned, or that a wrecked, dismantled, or inoperative vehicle or part has been parked, stored or left on public or private property in violation of the provisions of this division, the designated employee or officer may abate and remove the vehicle or part as a public nuisance in accordance with the procedures prescribed in this chapter.

**Sec. 13-32. - Notice of Intention to Abate and Remove.**

32.1 A notice of intention to abate and remove a vehicle or part as a public nuisance shall be given not less than ten (10) days before such abatement and removal, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part. The notice of intention to abate and remove shall fulfill the requirements of the notice and order to abate required under Article I herein.

32.2 A notice of intention to abate and remove is not required for removal of a vehicle or part which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, and

- (1) The vehicle or part is valued at less than two hundred dollars (\$200.00) by a person specified in Vehicle Code Section 22855, and
- (2) The vehicle or part is determined to be a public nuisance presenting an immediate threat to public health or safety, and

- (3) The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part, and
- (4) The inoperable vehicle is located upon a parcel that is (a) zoned for agricultural use, or (b) not improved with a residential structure containing one or more dwelling units.

**Sec. 13-33. - Notice of Intention to Abate.**

33.1 *Contents of Notice.* The notice of intention to abate and remove shall contain a statement of the following:

- a. The hearing rights of the owner of the property on which the vehicle or part is located; and
- b. The hearing rights of the owner of the vehicle or part; and
- c. Notice to the property owner that he may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing.

33.2 *Service of Notice.*

- a. The notice of intention to abate and remove shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle or part is in such condition that identification numbers are not available to determine ownership. The notice of intention to abate and remove may also be served in person by a designated employee. When personal service is utilized, the owner of the land or vehicle shall acknowledge service by signature.
- b. If the vehicle or part to be abated is located on private property, the notice of intention to abate and remove shall be posted conspicuously in front of the property, or if the property has no frontage upon any street or highway, then upon the portion of the property nearest to a street or highway most likely to give actual notice to the owner and any person in possession of the property.

**Sec. 13-34. - Hearing Rights.**

34.1 A public hearing shall be held before the Board of Supervisors upon request of the owner of the vehicle or part, or upon request of the owner of the land on which such vehicle or part is located.



34.2 A request for a public hearing shall be made in writing to the Clerk of the Board of Supervisors within ten (10) days after either:

- a. The mailing of the notice of intention to abate and remove; or
- b. Personal service of such notice.

34.3 If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle or part on his land within the time period specified in subsection [34.2] above, this statement shall be construed as a request for a public hearing which does not require the presence of the owner submitting such request.

34.4 If a request for a public hearing is not received within the specified time period, the designated employee or officer shall have authority to remove the vehicle or part and collect the costs of abatement in Article I herein or in any other manner allowed by law.

**Sec. 13-35. - Noncompliance.**

35.1 Upon the failure, neglect or refusal to comply with an abatement order and the failure to timely appeal said order within the prescribed time period, the designated employee or officer shall abate and remove the vehicle or part and collect the costs of abatement as prescribed in Article I herein or in any other manner allowed by law.

**Sec. 13-36. - Notice to the Department of Motor Vehicles.**

36.1 Written notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal. Such notice shall identify the vehicle or part and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

**Sec. 13-37. - Notice to Owner of Low-Value Vehicle Removed Pursuant to Section 13-31.**

37.1 Prior to final disposition under California Vehicle Code Section 22662 of a vehicle or part removed without notice pursuant to Section 13-31 [herein] for which evidence of registration was recovered, notice of intent to dispose of the vehicle or part shall be mailed to the registered and legal owners of such vehicle or part. If the vehicle or part is not claimed and removed within ten (10) days after notice is mailed, from a location specified in said notice, final disposition may proceed.

**Sec. 13-38. - Disposition of Vehicle or Part; Removal to Disposal Yard.**

38.1 Any vehicle or part removed pursuant to this chapter may be disposed of by removal to a scrap yard or licensed automobile dismantler's yard or other final disposition consistent with this chapter. The Director of Community Development, the Director's

designee, and/or any licensed independent contractor retained by the Director shall not be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

## **ARTICLE VI. - COSTS OF ABATEMENT**

### **Sec. 13-39. - Accounting.**

39.1 The Board may create a revolving fund or funds from which may be paid the costs of enforcing the provisions of this chapter, and into which shall be paid the receipts from the collection of costs as hereinafter set forth.

39.2 The Enforcement Official shall keep an itemized account of the costs of enforcing the provisions of this chapter, and of the proceeds of the sale of any materials connected therewith. The accounting of costs shall include attorney's fees, if applicable, and shall include all chargeable enforcement costs.

39.3 The materials contained in any nuisance abated by the Enforcement Official may be sold in the same manner as surplus County personal property is sold, and the proceeds from such sale shall be paid into the revolving fund.

39.4 The county may allow contractors to consider the salvage value of the materials in the preparation of abatement bids.

### **Sec. 13-40. - Computation of Costs.**

40.1 Computing enforcement costs will commence upon the date that the Enforcement Official makes a reasonable determination that a nuisance exists, as described in Article I herein through the date that all code violations are corrected except that enforcement costs for repeat offenders will be calculated from the time that an enforcement officer determines that a code violation exists. Costs shall include, but not be limited to, all costs of mailing and all administrative costs associated with inspection, investigation, and preparation of the nuisance enforcement action.

40.2 In the case of a repeat offender, the Enforcement Official shall calculate enforcement costs from the time that an Enforcement Officer determines that a code violation exists.

40.3 *Repeat Offenders.* After investigating allegations that a property owner, occupier, or beneficial owner is responsible for more than one substantially similar code violation in a twelve-month period, as measured from the reinspection date of the previous violation, the Enforcement Official will notify the repeat offender of the existence of the repeated code violation, the reinspection date, that the County will charge the repeat offender for enforcement costs associated with the enforcement action commencing on the date of notice and that the repeat offender may file an appeal of the assessed costs pursuant to this chapter.

40.4 *Attorney's Fees.* In any action, administrative proceeding or special proceeding to civilly abate a nuisance, attorney's fees may be recovered by the prevailing party. Recovery of attorney's fees by the prevailing party is limited to those actions or proceedings in which the County elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the County in the action or proceeding.

**Sec. 13-41. - Notice of Assessment.**

41.1 Upon the completion of the abatement, the Enforcement Official shall cause a notice to be prepared, specifying the work done, an itemized account of the costs and receipts of performing the work, an address, legal description or other description sufficient to identify the premises, the amount of the assessment proposed to be levied against the premises, and the time and place when and where the enforcement official will submit the account to the Board for confirmation.

41.2 The time and place specified shall be not less than fifteen (15) days after the service of the notice as provided in Section 13-6.2 hereof. The notice shall contain a statement that the Board will hear and consider objections and protests to said account and proposed assessment.

**Sec. 13-42. - Hearing on Account and Proposed Assessment.**

42.1 At the time and place fixed in the notice, the Board shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part or as modified and revised. The determination of the Board as to all matters contained therein shall be final and conclusive.

**Sec. 13-43. – Liens and Collections.**

43.1 *Notice of Lien.* Upon confirmation by the Board, the Enforcement Official shall cause to be prepared and recorded in the office of the County Recorder of the County of Lake, a Notice of Lien. Said Notice shall contain the following:

- a. An address, legal description or other description sufficient to identify the premises.
- b. A description of the proceeding under which the special assessment was made including the order of the Board confirming the assessment.
- c. The amount of the assessment.

- d. A claim of lien upon the described premises.

43.2 Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be upon a parity with the liens of State and County taxes.

43.3 The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such assessment.

43.4 *Debt Reduction Agreement.* As an alternative to the collection process specified in subsections 43.1 through 43.3 hereinabove, the property owner may enter into a Code Enforcement Debt Reduction Agreement with the Lake County Treasurer-Tax Collector. The agreement shall provide for a monthly payment plan with a maximum term of sixty (60) months. If the property owner-debtor defaults on the payment plan, the outstanding balance shall be enforced in accordance with subsection 43.3 hereinabove.

43.5 *Collection.* Alternatively, the Board of Supervisors may direct the Enforcement Official to prepare and issue a statement of abatement costs. If payment of the amount demanded in the statement of abatement costs is not received within thirty (30) days, the Enforcement Official shall refer the debt to a collection agency licensed by the State of California in accordance with California Government Code Section 26220(a), and as may be amended.

#### **Sec. 13-44. - Penalty.**

44.1 Any person who violates any of the provisions of this article is guilty of an infraction or misdemeanor, which may be prosecuted as an alternative to other remedies contained herein, and which is punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment.

44.2 Any person who removes any notice or order posted as required in this chapter shall be guilty of a misdemeanor.

### **ARTICLE VII. - ADMINISTRATIVE PENALTIES**

#### **Sec. 13-45. - Citation and Authority.**

45.1 This article is adopted pursuant to Government Code Section 53069.4 and may be cited as the Lake County Administrative Penalties Ordinance.

**Sec. 13-46. - Purpose and Intent.**

46.1 The purpose of this article, relating to administrative penalties is to provide alternative remedies to address acts or omissions as set forth in Section 13-48 below. Violations may be corrected, abated, or addressed in a number of ways. It is the intent of this article to provide the County with an additional remedy to correct violations and, where necessary, to penalize violators for failure to comply with County codes and ordinances.

46.2 This article is adopted in order to achieve the following goals:

- a. To protect the public health, safety and welfare of the communities and citizens in the County of Lake;
- b. To provide for an administrative process for the imposition of penalties and for a process to appeal the imposition of administrative penalties;
- c. To provide for a method to penalize responsible parties who fail or refuse to comply with provisions of the County Code, ordinances, or conditions of entitlement in the County of Lake; and
- d. To minimize the expense and delay where the alternative remedy is to pursue responsible parties in the civil or criminal justice system.

46.3 All final administrative orders made pursuant to the procedures set forth in this article shall be subject to review only as provided for in Government Code Section 53069.4.

**Sec. 13-47. - Definitions.**

47.1 For purposes of this article, the following words and phrases shall have the following meanings:

- a. *Violation* shall mean any act or omission for which administrative penalties may be imposed pursuant to this article.
- b. *Days* shall mean calendar days.

**Sec. 13-48. - Imposition of Administrative Penalties.**

48.1 Administrative penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this article. Administrative penalties may be imposed by the Enforcement Official for any of the following acts or omissions:

- a. All violations of the Lake County Code;
- b. Failing to comply with any condition imposed by any entitlement, permit, contract, or environmental document issued or approved by the County Lake.

**48.2 Notice of Violation.**

- a. If the Enforcement Official determines that public or private property, or portions thereof, is being maintained or permitted to exist in a manner for which administrative penalties may be imposed pursuant to this article which pertains to building, plumbing, electrical, structural or zoning issues, the responsible party(ies) shall be provided with a reasonable period of time to correct the violation prior to imposition of the administrative penalties, except in those cases in which there is an immediate danger to health and safety. The reasonable period of time for purposes of this section shall not exceed thirty (30) days from service of the written Notice of Violation.
- b. *Manner of Giving Notice.* The Enforcement Official shall post a copy of the Notice of Violation in a plainly visible place on the property and shall serve a copy of the Notice of Violation pursuant to the requirements of Section 13-6.2. If the County proposes to impose a lien on the property, one copy thereof shall also be served on each of the following if known to the Enforcement Official or disclosed from official public records:
  - (1) The beneficial owner; and
  - (2) The owner.

**Sec. 13-49. - Notice of Imposition of Administrative Penalties.**

**49.1 Notice of Violation.** If the violation is not corrected within the period stated in the Notice of Violation, or if the violation creates an immediate danger to health or safety, a Notice of Imposition of Administrative Penalties may be issued by the enforcement official;

**49.2 Contents of Notice.** The Notice of Imposition of Administrative Penalties shall be issued on a form approved by the County Counsel and shall contain the following information:

- (1) The date, location and approximate time the violation was observed;
- (2) The ordinance, Uniform Code, or condition imposed by any entitlement, permit, contract or environmental document violated and a brief description the violation;
- (3) The amount of the administrative penalty imposed for the violation;
- (4) A statement that the responsible party may appeal the imposition of the administrative penalty within fifteen (15) days of the date the Notice of Imposition is served;

- (5) Instructions on how to appeal the Notice of Imposition of Administrative Penalties;
- (6) A statement that if the responsible party fails to request an appeal of the Notice of Imposition of the Administrative Penalties, the imposition of the penalty shall be final;
- (7) A statement that any responsible party upon whom an administrative penalty has been imposed may seek judicial review of the order imposing the penalty pursuant to Government Code Section 53069.4; and
- (8) The signature of the Enforcement Officer.

The failure of the Notice of Imposition of Administrative Penalties to set forth all required contents shall not affect the validity of the proceedings.

**Sec. 13-50. - Service of Notice of Imposition of Administrative Penalties.**

50.1 The Notice of Imposition of Administrative Penalties shall be served in the same manner as provided for in Section 13-6.2 for service of a Notice of Violation.

**Sec. 13-51. - Amount of Administrative Penalties; Infractions.**

- a. The penalty imposed for each violation shall not exceed the following amounts:
  - (1) One hundred dollars (\$100.00) for a first violation;
  - (2) Two hundred dollars (\$200.00) for a second violation of the same ordinance within one year; and
  - (3) Five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.
- b. If the violation is not corrected, additional administrative penalties may be imposed for the same violation. The amount of the administrative penalty shall increase at the rate specified above;
- c. Payment of the administrative penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action; and
- d. The administrative penalty imposed shall be made payable to the County of Lake.

**Sec. 13-52. - Violations Other than Infractions.**

52.1 If this Code does not designate a violation as an infraction the Enforcement Official may impose an administrative fine within the amounts set forth below:

- a. If the violation arises from an unlawful commercial, industrial, rental, owner-occupied residential or similar use or structure on the property, the Enforcement Official, in his or her discretion, may impose a fine in one of the following sums:

1. One hundred dollars (\$100.00) from the date of transmittal of the Notice of Violation, and up to one hundred dollars (\$100.00) for each calendar day thereafter that the violation exists on the property through the effective date of the Notice of Violation; or
2. In the event that the use of structure in violation may be permitted with an appropriate permit, up to a maximum of five (5) times the amount of the standard fee for such a permit.

### **Sec. 13-53. - Administrative Appeal.**

53.1 *Notice of Hearing.* Notice of the Boards' hearing shall be given at least ten (10) days before the hearing to the person(s) requesting the hearing. The Notice of Hearing may be delivered to the person(s) or may be mailed to the address(es) listed in the Notice of Appeal;

53.2 *Conduct of the Hearing.* The Enforcement Official who issued the Notice of Imposition of Administrative Penalties shall not be required to participate in the Board's hearing. The contents of the Enforcement Official's file in the case shall be admitted as prima facie evidence of the facts stated therein. The Board shall not be limited by the technical rules of evidence. The Appellant(s) may represent themselves or be represented by counsel. If the Appellant(s) fail to appear at the Board's hearing, the Board may make its determination based on the information contained in the Notice of Appeal. Testimony shall be received under oath. The Board may grant continuances from time-to-time for good cause shown, or upon its own motion; and

53.3 *Board of Supervisor's Decision.* The Board may affirm the administrative penalties imposed, reduce the penalty, or find that the imposition of the administrative penalties is not warranted or is not in the interest of justice. The Board may allow payments of the administrative penalties in installments, if the Appellant(s) provides evidence satisfactory to the Board of an inability to pay the penalty in full. The Board shall make its decision on the appeal within thirty (30) days of the close of the appeal hearing. The decision shall require any administrative penalties to be paid within twenty-five (25) days of the date of service of the Board's decision. The decision shall inform the Appellant(s) that if the administrative penalties are not paid within the time specified, they may be made a personal obligation of the Appellant(s), or may also be made a lien against the property owned by the Appellant(s), or may be collected by special assessment to be paid with County of Lake taxes. The Board's decision shall also inform the Appellant(s), against whom an administrative penalty has been imposed, that any judicial review of the Board's decision must be filed with the Superior Court within twenty (20) days after service of the decision. Upon issuance of the Board decision, the Clerk of the Board shall serve a copy on the Appellant(s) by first class mail to the address(es) provided by Appellant(s) in the written



Notice of Appeal. The decision shall be deemed served within two (2) days after the date it was mailed to the address(es) provided by Appellant(s).

- a. An address at which the Appellant(s) agrees notice of any additional proceeding or a decision relating to the imposition of the administrative penalties may be received by mail; and
- b. The Notice of Appeal must be signed by the Appellant(s).

### **Sec. 13-54. - Review of Board of Supervisor's Decision.**

*54.1 Notice of Appeal.* Within twenty (20) days of service of the Board's decision, pursuant to Section [13-53.3] above, a person may contest the decision by filing an appeal to be heard by the Superior Court. The fee for filing the Notice of Appeal is twenty-five dollars (\$25.00). Failure to file a written appeal and to pay the filing fee within this time period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the Notice of Appeal shall be served in person or by first class mail upon the Clerk of the Board of Supervisors;

*54.2 Conduct of Hearing.* The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the County's file in the case shall be received into evidence. A copy of the Notice of Imposition of Administrative Penalties and the Board's decision, shall be admitted into evidence as prima facie evidence of the fact stated therein. The court shall request that the County's file on the case be forwarded to the court to be reviewed within fifteen (15) days of the request; and

*54.3 Judgment.* The court shall retain the twenty-five dollar (\$25.00) fee regardless of the outcome of the appeal. If the court finds in favor of the Appellant(s), the amount of the fee, if paid, shall be reimbursed to the Appellant(s) by the County and any deposit of the fine or penalty shall be refunded by the County in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the Appellant(s), the County may proceed to collect the penalty pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

### **Sec. 13-55. - Payment and Collection of Administrative Penalties.**

*55.1* Any person(s) against whom an administrative penalty has been imposed shall pay the administrative penalty within twenty-five (25) days of service of the Notice of Imposition of Administrative Penalties, not appealed to the Board of Supervisors, or within ten (10) days of service of the Board of Supervisor's decision on appeal. The enforcement official may take the action set forth in this section to collect the unpaid penalties;

55.2 An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing the day after payment is due, as specified in subsection [55.1] above;

55.3 The amount of any unpaid administrative penalty, plus interest, may be declared a lien on any real property owned by the responsible party(ies) within the County of Lake against whom an administrative penalty has been imposed, as follows:

- a. Notice shall be given to the responsible party(ies) prior to the recordation of the lien, and shall be served in the same manner as provided for in Section 13-6.2 for service of a Notice of Violation;
- b. The lien shall attach when the Enforcement Officer records a Notice of Lien listing the delinquent unpaid administrative penalties with the County Recorder's office. The lien shall specify the amount of the lien, the date of the code violations, the date of the final administrative decision, the street address(es), legal description, and assessors parcel number of the parcel on which the lien is imposed, and the name and address(es) of the record owner of the parcel; and
- c. In the event the lien is discharged, released, or satisfied, either through payment or through foreclosure, notice of the discharge containing the information specified in subparagraph [b] above shall be recorded by the enforcement officer.

55.4 The amount of the unpaid administrative penalties, plus interest, may be declared a special assessment against any real property owned by the responsible party(s) within the County of Lake against whom an administrative penalty has been imposed. The Board may impose the special assessment on one or more parcels. The enforcement officer may present a resolution to the Board to declare a special assessment, and upon passage and adoption thereof shall cause a certified copy thereof to be recorded with the County Recorder's office. The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in the case of delinquent assessments as is provided for ordinary property taxes; and

55.5 The amount of the unpaid administrative penalties, plus interest, may be collected by commencement of a civil action to collect the said penalties.

55.6 The amount of the unpaid administrative penalties, plus interest, may be collected by assignment of the amount owing to a collection agency.

## **Sec. 13-56. – Non-Exclusive Remedies and Penalties.**

56.1 All remedies and penalties provided for in this article shall be cumulative and not exclusive. Enforcement by use of any administrative, criminal or civil action, citation or administrative proceeding or abatement remedy does not preclude the use of additional citations or other remedies as authorized by other ordinance or law. Enforcement remedies may be employed concurrently or consecutively. Conviction and punishment of, payment of penalties by, or enforcement against any person hereunder shall not relieve such person(s) from the responsibility of correcting, removing or abating the violation, nor prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of which any violation of Lake County ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder is committed, continued, or permitted by such person(s), shall be deemed a separate and distinct offense.

56.2 *Treble damages.* Upon a second or subsequent civil or criminal judgment for a violation of a land use ordinance within a two-year period a violator shall be liable to the county for treble the abatement costs, in accordance with Government Code Section 25845.5, and as amended.

56.3 *Injunctive relief and abatement.* Whenever, in the judgment of the Enforcement Official, any person is engaged in any act or practice which constitutes a violation of any provision of a land use ordinance or any rule, regulation, order, permit or conditions of approval, the County Counsel or District Attorney may commence judicial proceedings for the abatement, removal, correction and enjoinder thereof, and require the violator to pay civil penalties as set forth in Section 13-56.4, below.

56.4 *Civil remedies and penalties.* Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully violates the provisions of any land use ordinance or any rule, regulation, order or conditions of approval issued thereunder by committing, causing, allowing, maintaining, continuing or otherwise permitting a violation of any land use ordinance shall be liable for a civil penalty not to exceed one thousand (\$1,000) dollars for each day or portion thereof, that the violation continues to exist.

56.5 Nothing in this Chapter shall be construed to prevent the County of Lake from pursuing any and all other legal remedies that may be available, including but not limited to civil actions filed by County Counsel seeking any and all appropriate relief such as civil injunctions, penalties, and forfeiture.